

House File 724 - Introduced

HOUSE FILE 724
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 218)

(COMPANION TO SF 362 BY
COMMITTEE ON LABOR AND
BUSINESS RELATIONS)

A BILL FOR

1 An Act relating to the treatment of adoptive parent employees
2 and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 91A.5B Treatment of adoptive parent
2 employees.

1. For purposes of this section, "*adoption*" means the permanent placement in this state of a child by the department of human services, by a licensed agency under chapter 238, by an agency that meets the provisions of the interstate compact in section 232.158, or by a person making an independent placement according to the provisions of chapter 600.

9 2. An employer shall treat an employee who chooses to adopt
10 a child up to eighteen years of age in the same manner as an
11 employee who is the biological parent of a newborn child for
12 purposes of employment policies, benefits, and protections for
13 the first year of the adoption.

14 3. Notwithstanding subsection 2, an employee shall not be
15 entitled to disability leave without a qualifying disability
16 under an employer's disability policies.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill requires an employer under Code chapter 91A to
21 treat an employee who chooses to adopt a child up to 18 years
22 of age in the same manner as an employee who is the biological
23 parent of a newborn child for purposes of employment policies,
24 benefits, and protections for the first year of the adoption.
25 An employee shall not be entitled to disability leave without a
26 qualifying disability under an employer's disability policies.

27 The bill defines "adoption" as the permanent placement in
28 this state of a child by the department of human services,
29 by a licensed agency under Code chapter 238, by an agency
30 that meets the provisions of the interstate compact in Code
31 section 232.158, or by a person making an independent placement
32 according to the provisions of Code chapter 600.

33 Code section 91A.2 defines "employer" as a person, as
34 defined in Code chapter 4, who in this state employs for wages
35 a natural person. The definition specifies that an employer

1 does not include a client, patient, customer, or other person
2 who obtains professional services from a licensed person
3 who provides the services on a fee service basis or as an
4 independent contractor.

5 Code section 91A.2 defines "employee" as a natural person
6 who is employed in this state for wages by an employer.
7 Code section 91A.2 specifies that "employee" also includes a
8 commission salesperson who takes orders or performs services
9 on behalf of a principal and who is paid on the basis of
10 commissions but does not include persons who purchase for their
11 own account for resale. Code section 91A.2 also excludes
12 certain persons engaged in agriculture from the definition of
13 "employee".

14 Code chapter 91A is administered and enforced by the
15 labor commissioner. A violation of Code chapter 91A or the
16 administrative rules promulgated under it is subject to a
17 civil penalty of not more than \$500 per pay period for each
18 violation.